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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
AMAX ZINC COMPANY, a Delaware )  
corporation, )  
 )  
Defendant. )

RECEIVED  
ENFORCEMENT PROGRAM

SEP 4 1984

Environmental Protection Agency

COMPLAINT FOR INJUNCTION AND OTHER RELIEF

NOW COMES Plaintiff, PEOPLE OF THE STATE OF ILLINOIS,  
by their attorney, Neil F. Hartigan, Attorney General of the  
State of Illinois, and complains of Defendant as follows:

COUNT I

CAUSING OR ALLOWING AIR POLLUTION

1. Plaintiff brings this Count pursuant to Sections  
42(e) and (f) of the Illinois Environmental Protection Act  
(hereinafter referenced the "Act") - (Ill. Rev. Stat., ch. 111  
1/2, par. 1042(e) and 1042(f), 1983).

2. The Defendant, Amax Zinc (hereinafter referenced  
"Amax") is, and at all times pertinent to this Complaint, has  
been a corporation organized under the laws of the State of  
Delaware, and qualified to do business and doing business in  
the State of Illinois.

EPA Region 5 Records Ctr.



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3. At all times pertinent to this Complaint, Amax has owned and operated a contact sulfuric acid producing plant located in the City of Sauget, St. Clair County, Illinois.

4. Amax Zinc Company markets metal concentrates consisting of zinc and cadmium. Zinc sulfide ores are roasted driving off the sulfides and then the metallic components are purified to produce their final product. Sulfur dioxide is produced during the roasting of the sulfides. This gas is sent through a contact sulfuric acid plant and  $H_2SO_4$  is produced as a bi-product. Sulfur dioxide gas from the roaster first goes through a waste heat boiler. The gases must be cooled in order to remove dust, moisture and acid mist. The gases next pass through an electrostatic precipitator. Particulate matter is removed. The gas is next routed through a Peabody scrubber. Acid mist and the remaining solids are removed. The gas next passes through a mist precipitator where all the moisture possible is removed. This completes the  $SO_2$  gas cleaning. The  $SO_2$  passes through a dryer tower, a heat exchanger to heat the acid to about  $800^{\circ} F$  and then to the converter. The gas is converted to  $SO_3$ . The gas then goes to the absorber tower. The  $SO_3$  is absorbed by concentrated acid, usually 98% acid, and forms more acid. The absorber gas is exhausted to the atmosphere. This gas can contain unabsorbed  $SO_3$ , unconverted  $SO_2$ , uncombined  $H_2O$  and acid mist.

5. Section 9(a) of the Act provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any state so as to cause or tend to cause air pollution in Illinois, either alone or in combination with other sources, or so as to violate regulations or standards adopted by the Board under this Act;.

6. Section 3(b) of the Act defines "air pollution" as follows:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

7. Section 3(d) of the Act defines "contaminant" as:

... any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

8. From time to time on dates better known only to the Defendant, commencing on or about February 24, 1984, the Defendant caused or allowed the discharge of contaminants including, but not limited to, sulfur dioxide gas from the roasting unit and accompanying apparatuses to be emitted into the atmosphere.

9. Sulfur dioxide gas can affect the human body if inhaled or if it comes into contact with the eyes or skin. Sulfur dioxide gas is intensely irritating to the eyes and

respiratory tract causing burning of the eyes, tearing, coughing and chest tightness. It may additionally cause severe breathing difficulty.

10. The contaminants emitted as described in Paragraph 8 above have caused injury to people in the neighboring community of East St. Louis, commonly referred to as Rush City, to members of the public who encountered these emissions while traveling through the affected area, and to workers of the Edwin Cooper Plant, which is located directly East and adjacent to the Amax Plant.

11. The contaminants emitted by Amax as described in Paragraph 8 above have interfered with the rights of individuals who live and work in the area adjacent to and near the Amax Plant to the enjoyment of their life and property in that the above-referenced emissions have forced residents living near the Plant to close their doors or windows of their home to escape the effects of the emissions, to refrain from using window fans on hot days, and during one event to seek medical attention when overcome by these emissions.

Additionally, workers who work at the Edwin Cooper facility located directly adjacent to the Amax Plant have, on numerous occasions been forced to cease work and evacuate their work station so as to escape the effects of the contaminants being emitted from the Amax facility.

12. Therefore, by the discharge of sulfur dioxide and other contaminants into the atmosphere by the Defendant, Defendant has caused and/or tended to cause air pollution in Illinois in that sufficient quantities of the contaminants were discharged for sufficient duration so as to be injurious to the health of nearby residents and workers and to unreasonably interfere with these individuals enjoyment of their life and/or property thus violating Section 9(a) of the Act. Defendants violation of Section 9(a) of the Act will continue until and unless abated by Order of this Court.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court to enter an Order:

1. Finding Defendant Amax Zinc liable for violation of Section 9(a) of the Illinois Environmental Protection Act;

2. Imposing on Defendant Amax Zinc, pursuant to Section 42(a) of the Illinois Enviromental Protection Act, a civil penalty not to exceed \$10,000 for the violations of Section 9(a) of the Illinois Environmental Protection Act and an additional civil penalty of not to exceed One Thousand Dollars (\$1,000) for each additional day said violation or violations continued;

3. Requiring the Defendant to cease and desist from any further violations of Section 9(a) of the Act;

4. Requiring the Defendant to conduct a study to determine the exact nature, cause and origin of the

afore-referenced emissions and to devise a plan which will prevent any future emissions;

5. Taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

6. Granting such other and further relief as this Court may deem appropriate under the circumstances.

## COUNT II

1-11. Plaintiff realleges and incorporates Paragraphs 1 through 11 of Count I as Paragraphs 1 through 11 of this Count II.

12. 35 Ill. Adm. Code, Section 201.141 provides as follows:

No person shall:

Cause or threaten or allow the discharge or emission of any contaminant into the environment in any state so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standards.

13. Therefore, by the discharge of sulfur dioxide and other contaminants into the atmosphere by the Defendant, Defendant has caused and/or tended to cause air pollution in Illinois in that sufficient quantities of the contaminants were

discharged for sufficient duration so as to be injurious to the health of nearby residents and workers and to unreasonably interfere with these individuals enjoyment of their life and/or property thus violating 35 Ill. Adm. Code, Section 201.141 and Section 9(a) of the Act.

14. Defendant's violations of 35 Ill. Adm. Code, Section 201.141 and Section 9(a) of the Act will continue until and unless abated by Order of this Court.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court to enter an Order:

1. Finding Defendant to have violated 35 Ill. Adm. Code, Section 201.141 and Section 9(a) of the Act;
2. Enjoining Defendant from committing further violations of 35 Ill. Adm. Code, Section 201.141 and Section 9(a) of the Act;
3. Imposing upon Defendant a civil penalty of not to exceed Ten Thousand Dollars (\$10,000) for the violation of 35 Ill. Adm. Code, Section 201.141, and an additional civil penalty of not to exceed One Thousand Dollars (\$1,000) for each additional day said violation shall have continued; and
4. Requiring the Defendant to conduct a study to determine the exact nature, cause and origin of the afore-referenced emissions and to devise a plan which will prevent any future emissions; and
5. Granting such further relief as it deems just and proper.

### COUNT III

1-7. Plaintiff realleges and incorporates by reference Paragraphs 1 through 7 of Count I as Paragraphs 1 through 7 of this Count III.

8. 35 Ill. Adm. Code, Section 201.141 provides:

No person shall:

Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard."

9. 35 Ill. Adm. Code, Section 214.301 provides as follows:

Except as further provided by this Part, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2,000 parts per million (ppm). (Emphasis added)

10. The Illinois Environmental Protection Agency has performed three stack tests at the Amax Zinc Plant located in Sauget, Illinois. The purpose of these test was to ascertain compliance with 35 Ill. Adm. Code 214.301 at the final exhaust stacks of the sulfuric acid plant. As a result of these tests, which were performed on June 12 and June 13, 1984, it was determined that the Defendant, Amax Zinc was in violation of 35 Ill. Adm. Code, Section 214.301 and Section 9(a) of the Act in

that emission levels of SO<sub>2</sub> were measured in excess of 2,000 parts per million.

11. Defendant's violations of 35 Ill. Adm. Code, Section 201.141 and 214.301 and Section 9(a) of the Act will continue until and unless abated by order of this Court.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court to enter an Order:

1. Finding Amax Zinc liable for violating 35 Ill. Adm. Code, Sections 201.141 and 214.301 and Section 9(a) of the Act;

2. Imposing on Defendant Amax Zinc pursuant to Section 42(a) of the Illinois Environmental Protection Act a civil penalty not to exceed Ten Thousand Dollars (\$10,000) for the violations alleged in Section 9(a) of the Illinois Environmental Protection Act and 35 Ill. Adm. Code, Section 201.141 and 214.301, and an additional civil penalty of not to exceed One Thousand Dollars (\$1,000) for each additional day said violations continued;

3. Requiring the Defendant to cease and desist from any further violations of Section 9(a) of the Act, Sections 201.141 and 214.301, 35 Ill. Adm. Code;

4. Requiring the Defendant to conduct a study to determine the exact nature, cause and origin of the afore-referenced emissions and to devise a plan which will prevent any future emissions;

5. Taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expense of any expert witness called to testify upon behalf of the Plaintiff; and

6. Granting such other and further relief as this Court may deem appropriate under the circumstances.

#### COUNT IV

1-11. Plaintiff realleges and incorporates by reference Paragraphs 1 through 11 of Count I as Paragraphs 1 through 11 of this Count IV.

12. This Count is brought by Neil F. Hartigan, Attorney General for the State of Illinois, pursuant to his common law power and duty to maintain actions for the abatement of public nuisances.

13. The discharge of the above-described contaminants and substances into the atmosphere creates a nuisance, and renders said atmosphere harmful and/or detrimental, or injurious to the public health, safety or welfare.

14. The discharge of the above-described contaminants has caused Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy of law, for once said chemical substances enter and continue to enter the atmosphere, substantial and irreversible damage has and will continue to occur to the

citizens and the environment of St. Clair County in the State of Illinois, and specifically those citizens who live in the area of said discharge point.

15. Unless enjoined by this Court, the public nuisance created by the discharge of said contaminants and substances into the atmosphere will continue unabated.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court grant it the following relief:

1. Issue an injunction directing the Defendant to take measures to immediately prevent all discharge of contaminants, including those listed in Paragraph 8 above, from its facility, and to remove and abate all causes of said discharge;

2. Enter an Order requiring the Defendant to conduct a study to determine the nature, cause and origin of the discharges as expeditiously as possible;

3. Enter an Order taxing or assessing all costs of these proceedings against the Defendant, such costs to include but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

4. Grant such other and further relief as this Court may deem appropriate under the circumstances.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

NEIL F. HARTIGAN, Attorney General,  
State of Illinois,

Attorney for Plaintiff,

BY: Robert W. Mueller  
Robert W. Mueller  
Assistant Attorney General

OF COUNSEL:

Vincent W. Moreth  
Assistant Attorney General  
500 South Second St.  
Springfield, IL 62706  
(217) 782-9031

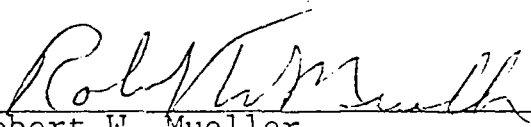
DATED: August 31, 1984

STATE OF ILLINOIS    )  
                              )  
COUNTY OF SANGAMON   )

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 31st day of August, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instrument entitled COMPLAINT FOR INJUNCTION AND OTHER RELIEF

TO:           C.T. Corporation Systems  
              208 South LaSalle Street  
              Chicago, Illinois 60604

  
Robert W. Mueller  
Assistant Attorney General